

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JUNE 2, 2005, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb (arrived at 1:20 p.m.)
	Mareth Kipp	Ellen Gennrich	Betty Willert (arrived at 1:10 p.m.)
	Gary Goodchild		

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
James W. Kavemeier, Parks System Manager
Kathy Moore, Senior Planner
Pam Linn, Senior Landscape Architect
Kathy Brady, Secretary Supervisor

Guests Present:	Matt Neumann	Gary O'Donnell	Michael Toebes
	Jimmy Wade		

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

MINUTES

- *Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval of the April 5, 2005, Minutes.*
- **SCZ-1570 (Neumann Enterprises, Inc.) Town of Oconomowoc, Section 8 (A-T Agricultural Land Preservation Transition District to the R-2 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property, on the east side of S.T.H. 67, north and west of Mill Street and south of the Ashippun River in the Town of Oconomowoc on the aerial photograph.

Mr. Mace indicated the petitioner is proposing a residential subdivision containing 29 lots. (Mrs. Willert arrived at the meeting). Mrs. Gennrich asked if the property would be served by septic and mound systems? Mr. Mace replied, "Yes" and added that the soils on the property are generally good. He explained, there are some issues present on the site, which will be resolved during the plat review process. Mrs. Haukohl and Mrs. Kipp expressed concerns regarding the possibility of the property containing underground fuel storage tanks in connection with a former gas station.

Mr. Mace indicated the proposed subdivision would have two accesses onto Mill Street. Mr. Neumann, petitioner, said in reference to the road vacation, there has been some confusion for the past few months as to whether the Roth family owns the strip of land and a resolution between the buyer and seller should be forthcoming. He said the Town has required that the issue be resolved before a Preliminary Plat could be submitted and that the title issues must also be resolved. Mrs. Kipp asked if the Roth's owned part of the road? Mr. Mace replied, that it is a possibility, based on what the records show. However, he was concerned whether or not the records are correct. Mrs. Kipp asked if the issue cannot be resolved, would the road be relocated to the south to achieve a 66' right-of-way? Mr. Neumann

pointed out the area in question and said it was not located in that area. Mrs. Haukohl asked what the topography of the area is, to which Mr. Neumann replied that the property is fairly flat with a kettle where the detention pond and possible infiltration basin would be located. He pointed out the Environmental Corridor and steep slopes on the northern portion of the property and noted that no building lots would be located in that area. He also pointed out two proposed outlots and a walking trail to the river. Mrs. Haukohl asked if the distance from the lots to the river was 75'? Mr. Neumann replied, "Yes". Mrs. Haukohl pointed out that the Town seems to have addressed erosion control issues well.

Mr. Mace said that the Town of Oconomowoc Plan Commission and Town Board will meet on Monday, June 6, 2005, to consider changing the zoning from R-3 Residential to R-2 Residential to reflect the 30,000 sq. ft. lots, which were required and to eliminate the County's modifications to the Town's Condition No. 2 regarding the requirement that all Primary Environmental Corridors shall be zoned E-C Environmental Corridor District and pointed out that the area on the northern portion of the property would be an outlot. Ms. Moore asked if there would be a pyramiding issue? Mr. Mace answered, that he was unsure. Mr. O'Donnell from Neumann Enterprises suggested that the area be dedicated to the Town of Oconomowoc or Waukesha County. Mrs. Gennrich wondered if the County has a greenway in this area? Mr. O'Donnell replied, "Yes", and the Waukesha County Parks System has expressed interest in receiving the area as a greenway. Mrs. Haukohl asked if the dedication would be conditioned? Mr. Mace answered, "No" and added it would be taken care of when the plat is approved. Mrs. Gennrich said if the area is donated to the County as a greenway, the trails would be required to be out of the corridor and that there also be a buffer. She asked if there is a greenspace requirement in the R-2 Residential District? Mr. Mace replied there is a greenspace/openspace requirement on each individual lot, not for the entire piece of property. Mr. Neumann pointed out that the building pads would be restricted. Mrs. Kipp asked if building pads would be required for each lot? Mr. Neumann responded, "Yes".

Mrs. Kipp was interested in knowing the location on the property of the possible abandoned underground storage tanks. Mr. Neumann pointed out on the aerial photograph the approximate location of the tanks verified by the former owner's son. Environmental Phase I testing was completed along with metal detection equipment to search for the tanks and no matter or mention of the tanks was found. Correspondence will be sent to the Town verifying that fact. Mrs. Gennrich thought the development contained a lot of density for lands north of C.T.H. "K".

Mrs. Gennrich asked if Condition No. 2 from the Town would remain the same? Mr. Mace replied, "Yes". However, the Town of Oconomowoc Plan Commission will modify the condition (at their June 6, 2005, meeting) and the reference will be removed to the EC zoning district for the small corridor area. Some members of the Commission did not agree that the rezoning should be approved (at this point) with the Town planning on changing the conditions. Mr. Mace said he previously explained what the modifications would be, however, the Commission could table the matter to the June 16, 2005, meeting.

After discussion, Mr. Kolb moved to table the matter to the June 16, 2005, meeting.

Mr. Neumann asked, if they would agree to stay completely out of the Environmental Corridor regardless of whether the Town conditions it, could the matter be approved? The Commission agreed.

Mr. Kolb withdrew his motion.

Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

SCHEDULED MATTER

- **1:15 p.m. Discussion of Section 6.75(3)(A) of the Waukesha County Zoning Code regarding area of disturbance in Primary Environmental Corridor by Kathy Moore, Senior Planner**

The Commission requested at their meeting of June 2, 2005, that the Planning and Zoning Division Staff clarify the issue of the total amount of area allowed to be disturbed in the Primary Environmental Corridor (PEC). Ms. Moore, Senior Planner explained in the EC Zoning District, if the lot is partially in and partially out of the corridor, the building envelope and all disturbance must occur outside of the corridor and is a density district of one unit per five acres. The Ordinance allows that a lot can be created as small as two acres with an accompanying three-acre lot to offset the one unit per five-acre density. Mrs. Haukohl asked what is the smallest size lot that can be created, to which Ms. Moore replied, two acres.

Ms. Moore clarified that SEWRPC's policy is that up to 20% of the site can be disturbed for roads and home construction. Mrs. Gennrich asked if it was only in the PEC or any site? Ms. Moore replied, in the PEC. She added that Waukesha County recommended a total of 15% disturbance (total vegetation or disturbance of the corridor) including the house, driveway, outbuildings, septic system, etc. It was decided that 15% was not enough for the abovementioned two acre site. It was decided to allow 15% or 32,600 sq. ft. (or 50% of a five acre lot) on every lot with the idea that it would be a smaller area on a five-acre lot but 15% would be allowed to be disturbed. Mrs. Kipp thought it was a lot of disturbance for a two-acre lot. Ms. Moore said in order to revise the Ordinance, the four Towns would all have to agree. Mr. Goodchild pointed out that not only are homes larger, but people are landscaping and adding more trees ultimately creating PEC in areas, which were prior farm fields. The Commission thanked Ms. Moore for the clarification.

- **1:30 p.m. SCU-1188T (Toebe Family Partnership) Town of Lisbon, Section 11**

Mr. Mace presented the "Staff Memorandum" dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property in the Town of Lisbon on the aerial photograph.

Ms. Moore indicated that she would be updating the Commission with respect to the clubhouse and golf course improvements. She explained that after a site visit on June 1, 2005, the following items remain incomplete:

- The lights have not been installed. The petitioner indicated the lights are expected to arrive on June 18, 2005.
- The signage on Plainview Road and Woodside Road has not been completed. The petitioner indicated he would be hiring someone to complete the signage.
- The new Lighting Plan was submitted on June 1, 2005, with the additional cut sheets. The Lighting Plan is acceptable.

- The new Landscaping Plan was submitted on June 1, 2005, which has the sizes and exact varieties of the plant material and where they are to be planted. The final plantings around the clubhouse and along the parking lots were in the process of being installed. Ms. Moore suggested the petitioner plan for more hedges intermixed between the evergreen, ash and other trees located on the wall.
- Written verification has not been received from Geri Rademacher of the DNR, verifying that the buffers around the ponds have been adequately installed. A memo has been received from the landscaper who said he installed them per the plan.
- The Land Resources Division is satisfied with the infiltration basins and plantings, however, the Planning Staff is requesting that written documentation from the Land Resources Division be received stating that the plantings and infiltration swale have been installed properly.
- The Land Resources Division is in the process of reviewing the final amended plan recently submitted for the golf driving range, which Mr. Toebe now intends to construct.

Ms. Moore further explained, it appears that everything except the lighting will be completed by June 16, 2005. She did not feel it was necessary to go through with the termination hearing previously set up for June 16, 2005, with only the lights not being installed. The stands, curbs and electrical are all installed awaiting the lights themselves.

Mrs. Gennrich asked the status of the portable toilets because the neighbors had previously complained about them? Ms. Moore replied that some are screened and there is one on the back nine and added that as long as they are screened, the neighbors didn't have a problem with them. She said that Mr. Toebe has approval for the mechanicals for the building and the fencing.

In closing, Ms. Moore suggested a notice be sent regular mail to all of the interested parties and neighbors stating that the meeting of June 16, 2005, will not take place and it appears the petitioner has completed everything but the lights. The Staff will adjourn the hearing until September 15, 2005, in the hope that the lighting is installed.

Mrs. Gennrich asked if there was disturbance or is the driving range located in the Environmental Corridor? Ms. Moore replied "No".

After discussion, Mrs. Kipp moved, seconded by Mrs. Haukohl and carried unanimously, to continue the Joint Public Hearing (Town of Lisbon Plan Commission and the Waukesha County Park and Planning Commission) which was adjourned on April 7, 2005 to June 16, 2005 until September 15, 2005 at 6:30 p.m. at the Lisbon Town Hall in order for the petitioner to complete the installation of the lighting and allow the Staff to obtain written responses from the DNR and the Land Resources Division. In addition, the Planning and Zoning Division Staff will notify by mail, all interested parties, including neighboring residents correcting the adjourned date based upon the satisfactory improvements being made.

• **SCU-1377 (Kevin Crary) Town of Summit, Section 24**

Mr. Mace presented the "Staff Report and Recommendation" dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property, south of C.T.H. "DR", north of I-94, and west of North Waterville Road in the Town of Summit on the aerial photograph and stated the petitioner is requesting Conditional Use approval for the construction of three (3), four (4) family condominium buildings.

Mr. Mace indicated the petitioner intends on removing the old cottages on the site for the condominiums. The proposed development contains a maximum of 12 units and will be served with sewer. He added, the Town has granted conceptual approval for the project. Mr. Goodchild said the Waukesha County Parks System has plans for extending the lake county bike path along C.T.H. "DR" and along the property. He expressed concerns that the owner of the property should contact the Parks Division and Planning and Zoning Division Staff with regards to any conflicts, which may occur with the location of the future bike path. Mrs. Gennrich asked if it should be conditioned? Mr. Mace suggested wording could be added to Condition No. 6. The Commission agreed. Mr. Baade asked if the condominiums would have access to the lake? Mr. Crary, property owner replied, "No". Mrs. Gennrich asked where the WEPCO right-of-way was located? Mr. Mace replied that it surrounds the triangular property. Mr. Mace asked Mr. Crary if he recorded the quit claim deed? Mr. Crary replied "No". Mr. Mace suggested the petitioner record the document because it will impact the density.

After discussion, Mr. Goodchild moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with a change to Condition No. 6, which shall now state:

6. *A complete Site Plan/Plan of Operation be approved by the Town of Summit Plan Commission and the Staff of the Waukesha County Department of Parks and Land Use. In addition, the Grading Plan shall be reviewed and approved by the Planning and Zoning and Parks Division Staff with regards to any conflicts, which may occur with the location of the future bike path.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1398 (Larry Hermann) Town of Mukwonago, Section 34**

Mr. Mace presented the "Staff Report and Recommendation" dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property at the southeast corner of the intersection of Lakeview Drive and Lakeside Drive in the Town of Mukwonago on the aerial photograph and stated the petitioner is requesting Conditional Use approval for filling and grading associated with the construction of a new single-family home and attached garage.

Mr. Mace indicated the petitioner is proposing to construct a new single-family residence on the property which is a combination of multiple substandard lots of record containing an 80' wide American Transmission Company Easement. The petitioner is proposing to grade beyond the 30' limitation. Mrs. Willert asked why the petitioner needed to grade beyond 30'? Mr. Mace replied because the property contains some potholes/depressions, which the petitioner wanted to be filled. The Planning and Zoning Division Staff and the Town of Mukwonago do not have any issues with the request.

After discussion, Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1165D (Jimmy Wade's Heaven City Inc./Ralph Hibbard) Town of Vernon, Section 19**

Mr. Mace presented the “Staff Report and Recommendation” dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property at S91 W27850 National Avenue in the Town of Vernon on the aerial photograph and stated the petitioner is requesting Conditional Use approval to allow an outside dining area for customers of the restaurant.

Mrs. Haukohl questioned the outside music (possibly disturbing the neighbors)? Mr. Mace replied, that Condition No. 5 deals with the outside music. He added, that it states the outside music must be reviewed by the Town of Vernon Plan Commission on a yearly basis or upon written documentation being received from residents in the area concerning the music. The Commission discussed the possibility of a decibel limit being enforced, however, Mr. Mace said the Town decided against setting a decibel limit and would deal with it on a complaint basis. He pointed out the property on the aerial map and noted it is zoned Business and not Residential. Mr. Wade, petitioner, said the closest neighborhood is approximately 879’ away with a farm field in between. He noted the music would not be loud or disruptive, possibly an acoustic guitarist or a jazz trio. Mrs. Kipp asked if the Town approved the liquor license. Mr. Wade replied, “Yes”. Mrs. Gennrich said the Town did not condition against amplified music and wondered if wording should be added to that effect. Mr. Wade felt that amplified music would not work out with his plans.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-05-VNT-5 (Jimmy Wade's Heaven City Inc./Ralph Hibbard) Town of Vernon, Section 19**

Mr. Mace presented the “Staff Report and Recommendation” dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property at S91 W27850 National Avenue in the Town of Vernon on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval to allow an outside dining area for customers of the restaurant.

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-1165D.

After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **(Joe Marchese) Town of Lisbon, Section 1**

Mr. Mace presented the “Staff Memorandum” dated June 2, 2005, and made a part of these Minutes. He pointed out the location of the property on Lisbon Road in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting approval to create a “lot not abutting a public road”.

Mr. Mace said the petitioner is proposing to subdivide the 77-acre parcel into 12 lots and retain 50 acres on which his existing residence lies. Access to his property would be via a relocated private driveway, provided with an easement from the newly proposed public road in the subdivision. The Planning and Zoning Division Staff is recommending approval of the request.

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **Tour and Overview of Retzer Nature Center by James W. Kavemeier, Parks System Manager**

Mr. Kavemeier said the total building cost was \$1.26 million including the planetarium (\$400,000 which was paid for by the school district, including their equipment, seating and the dome). The planetarium is the property of Waukesha County and the school district is leasing the facility from the County. The County charges the school district the cost of the maintenance on the basis that they contributed the funds for the construction of the planetarium. The lease fees will be reviewed after the first and second years of operation and then on a five-year cycle. The three meeting rooms together can accommodate 200 persons and will be used for school groups during inclement weather, private parties or weddings. The exhibit area and gift shop areas have also been improved.

Ms. Linn, Senior Landscape Architect and project manager said the existing center was 5,800 sq. ft. and the new learning center, front desk area, restrooms, exhibit area are approximately 4,600 sq. ft. and the planetarium is 3,600 sq. ft. for a total of approximately 14,000 sq. ft. Approximately 3,800 tons of usable materials were recycled from the existing center. Many items were recycled such as the existing cabinetry and fixtures in the gift shop to be as economical as possible. Rain gardens and rain barrels are used for stormwater management. The location of the site was chosen with consideration to minimize the disturbance to the site as much as possible.

The Commission then toured the facility and planetarium and thanked Mr. Kavemeier and Ms. Linn for the overview.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Kipp moved, seconded by Mrs. Willert to adjourn at 3:45 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:kb